IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 87 OF 2005**

Rama Khandu Petkar and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents.

Mr. S.G. Surana for the petitioners.
Mr. C.R. Sonawane, Assistant Government Pleader, for respondents.

**CORAM**: **DALVEER BHANDARI, C.J.** &
**S.A. BOBDE, J.**

**DATE:** **MARCH 04, 2005**.

**P.C.**

The petitioners have approached this Court with a prayer that the impugned order dated 17th August, 2000, passed by respondent No.2 be quashed and set aside and respondent No.2 be directed to award compensation to the petitioners in respect of trees, wells, etc., on the suit lands and decide the petitioners' application dated 28th October, 1986, in accordance with law within a stipulated period.

2. Pursuant to the show cause notice issued by this Court, reply

affidavit has been filed. The learned Assistant Government Pleader has pointed out a letter dated 15th November, 2000, sent by the Sub-Divisional Agricultural Officer, Khopoli, Dist. Raigad, to the Special Land Acquisition Officer, Metro Centre No.3, New Panvel, in which he has mentioned that he had received valuation report valuing the fruit bearing trees of petitioner No.1. While awarding compensation, the Special Land Acquisition Officer, ought to have taken into consideration the trees which were admittedly there and valuation of the same has been given by the Sub-Divisional Agricultural Officer. The letter is at page 49 of the petition (Exhibit-H Colly.).

3. In this view of the matter, the impugned order dated 17th August, 2000, is set aside and the concerned Officer is directed to decide the petitioners' application dated 28th October, 1986, in accordance with law, while taking into consideration the value of the fruit bearing trees, wells, house, etc. Since the matter has been pending for quite some time, we direct that the said application be decided within four months from today. No further directions are necessary. This petition is accordingly disposed of.

**CHIEF JUSTICE**

**S.A. BOBDE, J.**